

# Annual Expenditure Report Fiscal Year 2017





**TEXAS INDIGENT DEFENSE COMMISSION**

209 W. 14th Street, Room 202  
Austin, Texas 78701  
Phone: 512-936-6994; Fax: 512-463-5724  
www.tidc.texas.gov

**Chair:**

Honorable Sharon Keller                      Presiding Judge, Court of Criminal Appeals

**Ex Officio Members:**

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Honorable Nathan L. Hecht                      Austin, Chief Justice, Supreme Court of Texas  
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Honorable Brandon Creighton                      Conroe, State Senator  
Honorable Joseph Moody                      El Paso, State Representative  
Honorable Andrew Murr                      Junction, State Representative  
Honorable Sherry Radack                      Houston, Chief Justice, First Court of Appeals  
Honorable Vivian Torres                      Rio Medina, Judge, Medina County Court at Law

**Members Appointed by the Governor:**

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Honorable Jon Burrows                      Temple, Bell County Judge  
Honorable Richard Evans                      Bandera, Bandera County Judge  
Mr. Don Hase                      Arlington, Attorney, Ball & Hase  
Honorable Missy Medary                      Corpus Christi, Presiding Judge, 5th Administrative Judicial Region of Texas

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Brandon Bellows                      Policy Analyst  
Edwin Colfax                      Grant Program Manager  
Scott Ehlers                      Special Counsel  
Marissa Kubinski                      Executive Assistant  
Joel Lieurance                      Senior Policy Analyst  
Morgan Shell                      Policy Analyst  
Debra Stewart                      Fiscal Analyst  
Sharon Whitfield                      Budget & Accounting Analyst  
Doriana Torres                      Grant Specialist  
Rachel Gartman                      Law Clerk  
Susan Stradley                      Law Clerk  
Rebecca Yung                      Law Clerk

**Mission Statement**

The Texas Indigent Defense Commission provides financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law.

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## MISSION AND DUTIES

The Texas Indigent Defense Commission (TIDC) provides financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law.

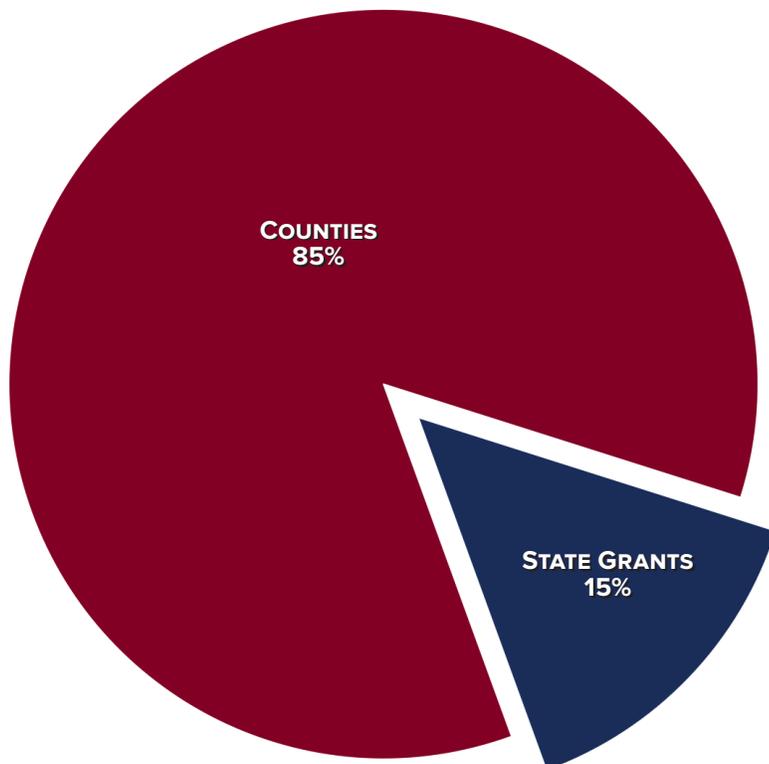
TIDC operates under the direction of a 13-member governing board and is administratively attached to the Office of Court Administration. Texas Government Code 79.037 identifies some of TIDC's key duties:

- **Assist** counties in improving indigent defense systems;
- **Promote** county compliance with state indigent defense laws;
- **Distribute** grants; and
- **Monitor** each county that receives a grant and enforce compliance with the conditions of the grant.

Information on indigent defense programs and activities is detailed in TIDC's FY 2017 Annual Report, published separately and available on TIDC's [website](#).

## INDIGENT DEFENSE EXPENDITURES

### TOTAL FY 2017 INDIGENT DEFENSE EXPENDITURES \$263 MILLION



In FY 2017, Texas counties reported spending \$263,312,905 on indigent defense, a 7% increase over 2016.

TIDC invested \$38,321,998 in indigent defense provision, offsetting approximately 15% of county costs statewide.

## HISTORICAL COUNTY EXPENDITURES AND STATE INVESTMENT

Year	County Expenditures			State Investment	
	Gross Expenditures (millions)	Net Expenditures <sup>1</sup> (millions)	Annual Increase	Total Grants Disbursed (millions)	Grants as % of County Expenditures
2001	\$91.4	\$91.4	—	\$0.0	0%
2002	\$114.0	\$114.0	25%	\$7.2	6%
2003	\$129.3	\$129.3	13%	\$11.5	9%
2004	\$138.3	\$138.3	7%	\$11.6	8%
2005	\$140.3	\$140.3	1%	\$13.6	10%
2006	\$149.0	\$149.0	6%	\$13.8	9%
2007	\$161.1	\$161.1	8%	\$16.9	10%
2008	\$174.2	\$174.1	8%	\$21.0	12%
2009	\$186.9	\$186.4	7%	\$27.6	15%
2010	\$195.1	\$194.6	4%	\$27.5	14%
2011	\$198.4	\$197.7	2%	\$33.7	17%
2012	\$207.5	\$206.3	4%	\$28.2	14%
2013	\$217.1	\$215.4	4%	\$27.4	13%
2014	\$229.9	\$228.1	6%	\$44.8	20%
2015	\$238.0	\$235.6	3%	\$30.0	13%
2016	\$247.7	\$245.6	4%	\$32.2	13%
2017	\$265.1	\$263.3	7%	\$38.3	15%

<sup>1</sup>After county-to-county reimbursements for regional programs.

## OPERATING BUDGET

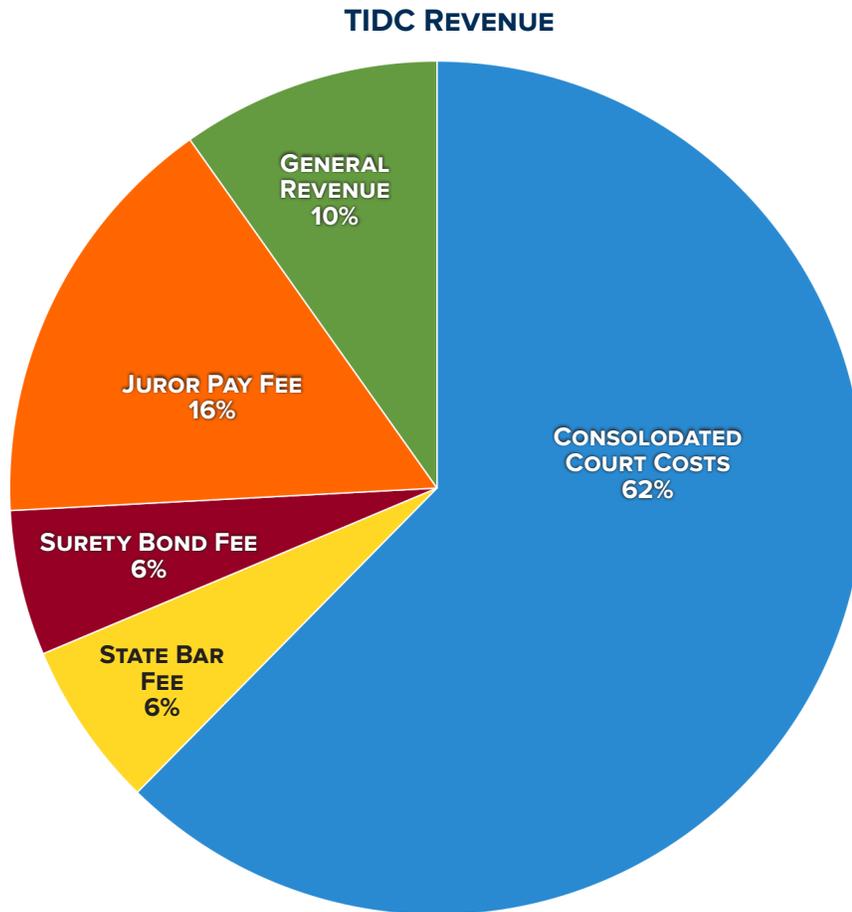
This fiscal year, TIDC expended a total of \$40,002,056. Of these funds, \$1,059,632 were for administrative costs—only 2.65 percent of the total amount. These expenses include salaries, operating expenses for 11 full-time staff, and travel for board members and staff as shown in the chart below.

Budget Category	FY 2017 Expended	FY 2016 Expended
Salaries & Wages	\$847,642	\$836,940
Other Personnel Costs	\$47,489	\$29,744
Benefit Replacement Pay	\$2,054	\$2,054
Professional Fees and Services	\$226	\$468
Consumables	\$1,635	\$1,639
Utilities	\$2,279	\$3,102
Travel	\$35,342	\$36,331
Rent-Building	\$320	\$1,361
Rent-Machine and Other	\$1,673	\$2,003
Other Operating Expenses *	\$221,726	\$252,534
Innocence Program	\$519,671	\$414,952
Grants	\$38,321,999	\$32,207,354
<b>Total Expended</b>	<b>\$40,002,056</b>	<b>\$33,788,482</b>
Method of Finance Category	FY 2017 Method of Finance	FY 2016 Method of Finance
Fund 5073, Fair Defense Account		
Consolidated Court Costs	\$23,840,536	\$21,021,684
Surety Bond Fee	\$2,103,340	\$2,039,946
State Bar Fee	\$2,402,594	\$2,300,958
1Juror Pay Fee	\$6,127,585	\$6,474,112
<b>Total Fund 5073, Fair Defense Account</b>	<b>\$34,474,055</b>	<b>\$31,836,700</b>
Fund 0001, General Revenue	\$4,523,064	\$2,976,936
State Grant	\$0	\$94,467
<b>Total Revenue</b>	<b>\$38,997,119</b>	<b>\$34,908,103</b>
FY 2015 Carryforward		\$3,001,566
FY 2016 Carryforward	\$2,985,906	(\$2,282,890)
Office of Capital and Forensic Writs **	(\$1,980,969)	(\$1,606,136)
TIDC Benefits	(\$228,251)	(\$232,161)
<b>Total Method of Finance</b>	<b>\$40,002,056</b>	<b>\$33,788,482</b>
* PPRI Grants and Reporting System expenses of \$100,754 are captured under this budget category.		
** Fund 5073 is also the method of finance for the Office of Capital and Forensic Writs (OCFW).		

## REVENUE SOURCES

TIDC is funded through a combination of appropriations from the GR-Dedicated Fair Defense Account (Fund 5073) and General Revenue. In FY 2017, TIDC had estimated appropriation authority for the balance of the Fair Defense Account, less OCFW expenditures. In addition to these GR-Dedicated funds, TIDC was appropriated \$3.75 million in General Revenue. Funds accrue to the Fair Defense Account from the following sources:

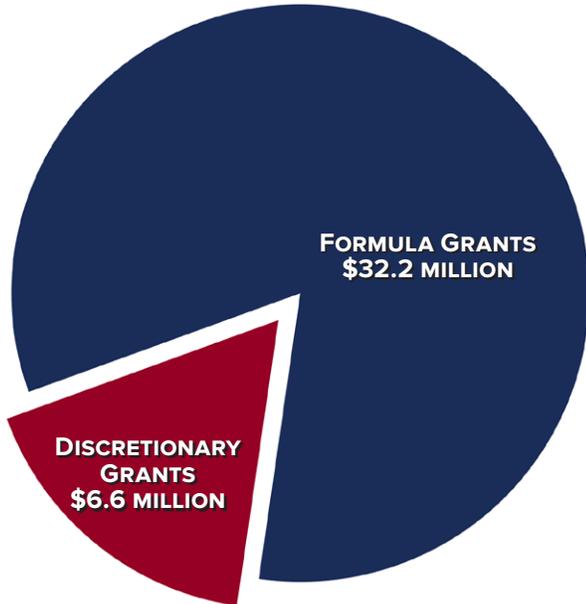
- **Consolidated Court Costs:** Defendants pay Consolidated Court Costs upon conviction for a range of offenses from fine-only misdemeanors to felonies.
- **Juror Pay Court Costs:** Defendants pay a \$4 court cost to fund juror pay upon conviction in most offenses. After reimbursing counties for juror pay, remaining funds in excess of \$10 million are transferred to the Fair Defense Account at year's end.
- **State Bar Fees:** The State Bar of Texas assesses a \$65 fee as part of each attorney's annual bar dues. Half of the proceeds are allocated to the Fair Defense Account.
- **Surety Bond Fees:** Defendants pay a \$15 fee when posting a surety bond. One-third of the fee goes to the Fair Defense Account.



## GRANT DISBURSEMENTS

From FY 2017 funds TIDC invested \$31,751,772 in formula grants and \$6,570,226 in discretionary grants for a total statewide distribution of \$38,321,998.

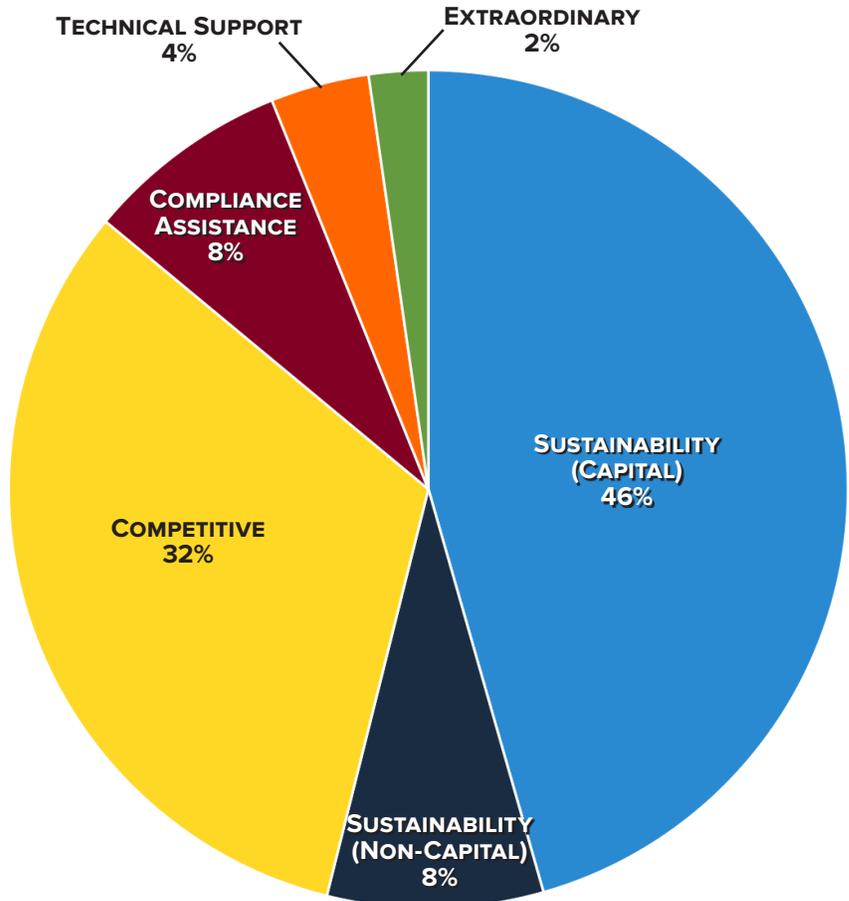
### FY 2017 GRANT DISBURSEMENTS



*Formula Grants* are calculated based on a combination of population and county indigent defense expenditures. The amount is based on a county’s percentage of state population and percentage of state indigent defense expenses multiplied by the Commission’s budgeted amount for formula grants.

In FY 2017, all 254 counties qualified and received disbursements totaling \$31,751,772, which represents **83 percent** of total grants disbursed. This amount includes \$1.1 million in supplemental formula grant funding for capital defense disbursed to 14 counties not eligible to participate in the Regional Public Defender Office for Capital Cases: Bexar, Cameron, Collin, Dallas, Denton, El Paso, Fort Bend, Harris, Hidalgo, Montgomery, Nueces, Tarrant, Travis, and Williamson. See Appendix A for formula grant disbursement by county.

### DISCRETIONARY GRANT TYPES



*Discretionary Grants* encourage innovation, sustain quality regional programs, promote compliance with the Fair Defense Act, and help counties facing extraordinary indigent defense challenges. Discretionary grants include five grant types, detailed below.

### Competitive Discretionary Grants

TIDC invested \$2,111,632 in FY 2017 Competitive Discretionary Grants, which represents 5.51 percent of total grants disbursed. Competitive Discretionary Grants assist counties in developing new, innovative programs or processes to improve the delivery of indigent defense services.

**Table 1: FY 2017 Competitive Discretionary Grant Investments**

County	Program	Amount Disbursed
Bell	TechShare Maintenance & Operations (11 counties)	\$262,215
Bexar	Representation of Mentally Ill Defendants at Magistration	\$160,719
Dallas	Immigration/Criminal Law Program (Padilla Compliance)	\$33,050
Fort Bend	Public Defender Office	\$497,591
Kaufman	Mental Health Attorney/Advocate Team	\$3,612
Starr	Regional Public Defender Office (3 Counties)	\$635,850
Travis	Holistic Defense Program	\$181,544
Travis	Capital Area Private Defender Service (MAC)	\$335,861
Wichita	Public Defender Mental Health Social Worker	\$1,190
	<b>TOTAL</b>	<b>\$2,111,632</b>

### Sustainability Grants

TIDC invested \$3,540,864 in FY 2017 Sustainability Grants, which represents 9.24 percent of total grants disbursed. Sustainability Grants provide ongoing support for regional public defender programs serving rural counties.

**Table 2: FY 2017 Sustainability Grant Investments**

County	Program	Amount Disbursed
Lubbock	Regional Public Defender for Capital Cases (177 Counties)	\$2,994,188
Bee	Regional Public Defender (4 counties)	\$406,654
Texas Tech University	Caprock Regional Public Defender (9 counties)	\$140,022
	<b>TOTAL</b>	<b>\$3,540,864</b>

### Extraordinary Grants

TIDC invested \$150,000 in FY 2017 Extraordinary Grants, which represents 0.39 percent of total grants disbursed. Extraordinary Grants reimburse a county for extraordinary indigent defense expenses causing a financial hardship.

**Table 3: FY 2017 Extraordinary Grant Investments**

County	Program	Amount Disbursed
Hunt	Extraordinary – Capital Defense	\$100,000
Tom Green	Extraordinary – Capital Defense	\$50,000
	<b>TOTAL</b>	<b>\$150,000</b>

### Technical Support Grant Investments

TIDC invested \$249,662 for FY 2017 Technical Support Grants, which represents 0.65 percent of total grants disbursed. Technical Support Grants assist counties with improving local indigent defense services through projects that build the knowledge base about indigent defense and establish processes that can be replicated by other jurisdictions.

**Table 4: FY 2017 Technical Support Grant Investments**

County	Program	Amount Disbursed
Harris	Harris County DNA Mixture Review Project	\$249,662

### Compliance Assistance Grant Investments

TIDC invested \$518,068 for Compliance Assistance Grants, which represents 1.35 percent of total grants disbursed. Compliance Assistance Grants help counties that have a challenge related to compliance with the Fair Defense Act that may be identified through policy monitoring.

**Table 5: FY 2017 Compliance Assistance Grant Investments (Targeted/Specific)**

County	Program	Amount Disbursed
El Paso	Public Defender Office Expansion	\$494,225
Kleberg	Indigent Defense Coordinator	\$23,843
	<b>TOTAL</b>	<b>\$518,068</b>

### Discretionary Grant Investments for Prior Budget Year Award Obligations

TIDC also invested an additional \$206,990 in FY 2015 funds and \$620,882 in FY 2016 funds toward grant awards from previous budget years.

**Table 6: Disbursements for Grant Award Obligations from Previous Budget Years**

County	Grant Award Fiscal Year	Program	Amount Disbursed
Bell	FY 2015	TechShare Functional Extensions	\$52,535
Collin	FY 2015	Indigent Defense Management Software Improvements	\$76,938
Comal	FY 2015	Client Choice Program	\$77,517
		<b>TOTAL New FY 2015 Budget Year Disbursements</b>	<b>\$206,990</b>
Bell	FY 2016	TechShare Implementation of Enhancements	\$117,822
Fort Bend	FY 2016	Veterans Court Defender Program	\$5,700
Harris	FY 2016	DNA Mixture Case Review	\$179,256
Starr	FY 2016	Regional Public Defender Office (3 Counties)	\$170,280
Tarrant	FY 2016	DNA Mixture Case Review	\$1,000
Travis	FY 2016	DNA Mixture Case Review	\$146,824
		<b>TOTAL New FY 2016 Budget Year Disbursements</b>	<b>\$620,882</b>

## INNOCENCE PROGRAM

TIDC also administers legislatively directed funds to Texas public law schools to operate innocence projects. For the FY 2016-17 biennium, the Texas Legislature appropriated \$1,200,000, or \$200,000 per law school per biennium.

**Table 7: Disbursements for Innocence Project Contracts**

Texas Public Law School	FY 2017 Amount Disbursed
Texas A&M University	\$99,504
Texas Southern University	\$100,000
Texas Tech University	\$90,741
The University of Houston	\$85,023
The University of North Texas - Dallas	\$26,393
The University of Texas	\$118,010
<b>TOTAL</b>	<b>\$519,671</b>

## APPENDIX: FY 2017 FORMULA GRANT DISBURSEMENTS BY COUNTY

County	Formula Grants Disbursed
Anderson	\$65,238
Andrews	\$20,175
Angelina	\$84,256
Aransas	\$32,176
Archer	\$12,549
Armstrong	\$6,013
Atascosa	\$54,456
Austin	\$28,688
Bailey	\$12,627
Bandera	\$22,842
Bastrop	\$80,479
Baylor	\$8,602
Bee	\$34,677
Bell	\$356,215
Bexar	\$1,840,359
Blanco	\$13,324
Borden	\$1,900
Bosque	\$19,364
Bowie	\$100,496
Brazoria	\$322,959
Brazos	\$282,824
Brewster	\$15,445
Briscoe	\$6,298
Brooks	\$10,881
Brown	\$50,804
Burleson	\$34,961
Burnet	\$64,746
Caldwell	\$48,672
Calhoun	\$30,335
Callahan	\$17,721
Cameron	\$384,851
Camp	\$18,213
Carson	\$14,374
Cass	\$39,112
Castro	\$11,098
Chambers	\$58,551
Cherokee	\$50,164
Childress	\$14,920
Clay	\$13,519
Cochran	\$7,192
Coke	\$7,397
Coleman	\$13,970

County	Formula Grants Disbursed
Collin	\$819,439
Collingsworth	\$7,681
Colorado	\$28,724
Comal	\$120,451
Comanche	\$16,046
Concho	\$8,132
Cooke	\$50,361
Coryell	\$72,537
Cottle	\$5,275
Crane	\$9,236
Crockett	\$12,078
Crosby	\$10,668
Culberson	\$5,788
Dallam	\$13,691
Dallas	\$3,370,354
Dawson	\$18,217
Deaf Smith	\$25,016
Delta	\$8,694
Denton	\$672,863
DeWitt	\$29,661
Dickens	\$6,607
Dimmit	\$13,124
Donley	\$7,977
Duval	\$18,632
Eastland	\$29,826
Ector	\$163,712
Edwards	\$7,160
El Paso	\$1,234,406
Ellis	\$189,560
Erath	\$37,713
Falls	\$28,939
Fannin	\$43,503
Fayette	\$28,368
Fisher	\$7,577
Floyd	\$9,453
Foard	\$5,450
Fort Bend	\$807,911
Franklin	\$18,009
Freestone	\$28,236
Frio	\$19,522
Gaines	\$21,389
Galveston	\$322,439

County	Formula Grants Disbursed
Garza	\$10,357
Gillespie	\$26,432
Glasscock	\$5,250
Goliad	\$14,001
Gonzales	\$30,437
Gray	\$33,633
Grayson	\$138,810
Gregg	\$149,913
Grimes	\$35,703
Guadalupe	\$129,456
Hale	\$39,283
Hall	\$8,233
Hamilton	\$12,541
Hansford	\$10,757
Hardeman	\$11,706
Hardin	\$58,831
Harris	\$5,354,343
Harrison	\$84,719
Hartley	\$13,641
Haskell	\$12,998
Hays	\$166,823
Hemphill	\$8,655
Henderson	\$98,377
Hidalgo	\$921,666
Hill	\$46,602
Hockley	\$27,449
Hood	\$59,135
Hopkins	\$37,825
Houston	\$32,666
Howard	\$36,271
Hudspeth	\$8,343
Hunt	\$175,427
Hutchinson	\$32,130
Irion	\$4,250
Jack	\$12,775
Jackson	\$20,605
Jasper	\$45,273
Jeff Davis	\$6,748
Jefferson	\$273,067
Jim Hogg	\$9,572
Jim Wells	\$42,803
Johnson	\$152,054

County	Formula Grants Disbursed
Jones	\$22,491
Karnes	\$19,383
Kaufman	\$137,785
Kendall	\$33,953
Kenedy	\$6,941
Kent	\$4,241
Kerr	\$70,254
Kimble	\$10,351
King	\$1,000
Kinney	\$8,011
Kleberg	\$43,357
Knox	\$7,744
La Salle	\$13,970
Lamar	\$62,742
Lamb	\$17,812
Lampasas	\$23,066
Lavaca	\$21,897
Lee	\$24,769
Leon	\$19,073
Liberty	\$87,606
Limestone	\$30,335
Lipscomb	\$7,480
Live Oak	\$18,672
Llano	\$24,015
Loving	\$5,459
Lubbock	\$427,311
Lynn	\$9,379
Madison	\$19,372
Marion	\$15,539
Martin	\$8,562
Mason	\$7,984
Matagorda	\$39,209
Maverick	\$40,957
McCulloch	\$13,698
McLennan	\$354,715
McMullen	\$5,950
Medina	\$46,386
Menard	\$7,610
Midland	\$206,839
Milam	\$28,841
Mills	\$9,348
Mitchell	\$14,371
Montague	\$28,145
Montgomery	\$688,328

County	Formula Grants Disbursed
Moore	\$38,038
Morris	\$17,904
Motley	\$5,030
Nacogdoches	\$64,572
Navarro	\$66,256
Newton	\$18,418
Nolan	\$24,106
Nueces	\$428,002
Ochiltree	\$19,154
Oldham	\$7,270
Orange	\$64,634
Palo Pinto	\$29,117
Panola	\$37,957
Parker	\$154,264
Parmer	\$12,597
Pecos	\$22,577
Polk	\$69,725
Potter	\$164,091
Presidio	\$10,152
Rains	\$13,055
Randall	\$126,616
Reagan	\$9,720
Real	\$8,320
Red River	\$17,475
Reeves	\$19,829
Refugio	\$12,757
Roberts	\$2,000
Robertson	\$25,322
Rockwall	\$94,823
Runnels	\$15,502
Rusk	\$47,012
Sabine	\$15,665
San Augustine	\$10,854
San Jacinto	\$29,514
San Patricio	\$68,212
San Saba	\$10,797
Schleicher	\$8,559
Scurry	\$20,634
Shackelford	\$8,906
Shelby	\$19,625
Sherman	\$8,532
Smith	\$220,132
Somervell	\$11,621
Starr	\$51,080

County	Formula Grants Disbursed
Stephens	\$17,836
Sterling	\$6,840
Stonewall	\$7,012
Sutton	\$10,364
Swisher	\$10,516
Tarrant	\$2,159,962
Taylor	\$184,696
Terrell	\$5,871
Terry	\$22,632
Throckmorton	\$4,150
Titus	\$34,283
Tom Green	\$142,011
Travis	\$1,306,285
Trinity	\$18,690
Tyler	\$26,098
Upshur	\$42,972
Upton	\$11,722
Uvalde	\$32,269
Val Verde	\$48,730
Van Zandt	\$60,604
Victoria	\$105,435
Walker	\$79,194
Waller	\$59,615
Ward	\$18,021
Washington	\$49,760
Webb	\$392,353
Wharton	\$36,164
Wheeler	\$15,151
Wichita	\$222,432
Wilbarger	\$16,209
Willacy	\$39,346
Williamson	\$431,395
Wilson	\$46,731
Winkler	\$11,996
Wise	\$69,685
Wood	\$46,307
Yoakum	\$12,034
Young	\$30,156
Zapata	\$10,142
Zavala	\$13,298





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